

IMPACT FEE NOTICE OF APPEAL

This appeal must be filed with the City Clerk within 10 days after the date of the determination for which the appeal is being filed. Although the fees may be reduced via this appeal process, the fees may NOT be waived using the appeal process. A City Council determination shall be final

Appeal of Impact Fee Determination for Property Located at:

1036 E Street
Lincoln, NE 68502

Date: 1/19/06

Building Permit Application No. B0504413

At the next regular City Council meeting following the filing of the appeal the Council will schedule a time and place for hearing the appeal. The City Clerk shall mail notice of the hearing to the party at the address given below.

P.O. Box 30205, Lincoln, NE 68503

The following party alleges a grievance related to Impact Fees:

Name: Wende Baker, Executive Director

Company (if Applicable): Health Partners Initiative

Address: P.O. Box 30205

City, State, Zip: Lincoln, NE 68503

Phone: 402-441-8144

Email Address: wbaker@ci.lincoln.ne.us

Written Explanation of why the party feels a Determination was in Error: Attach written explanation of why the appellant feels that a determination was in error.

See attached.

Final Determination by Council on _____ Day of _____, 20____.
Resolution No. _____

RECEIVED
CITY CLERK'S OFFICE
2006 JAN 23 AM 10 09
CITY OF LINCOLN
NEBRASKA

IMPACT FEE
NOTICE OF APPEAL

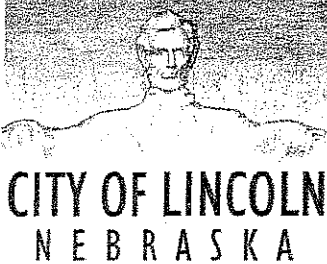
Written Explanation Why Determination was in Error

Health Partners Initiative (HPI) is operating a neighborhood outreach project called the Neighborhood Service Exchange. The project targets the Everett and South Salt Creek neighborhoods to build self-sufficiency and address neighborhood concerns and needs. One of the first issues targeted through this neighborhood effort is the growing crime and safety problem. Our NSE Program Coordinator, Pat Anderson-Sifuentez, has already been successful in recruiting members (20) to the Service Exchange and recruiting Neighborhood Watch Coordinators (10) as a first step. Almost all of the activity takes place "off site" with neighbor members, in and around their homes. The NSE staff needs a place from which they can operate that is centrally located within the target neighborhoods.

The basis for our appeal is that the use we have proposed for this property would not significantly impact the neighborhood streets and water system any more than a residential property -- a small family would have as much coming and going with friends and family as our program will. Two parking spaces have been made available in the back of the property for our employees to park off the street. Our staff will occupy this space mostly in daytime hours and will not be using the tub, shower or laundry facilities that a family normally would, making our water and sewer needs not as extensive. Also, any large meetings of the membership will occur in cooperation with the F Street Recreation Center. Please see the enclosed letter outlining our understanding with them. As mentioned, the recruitment and service exchange activities will occur among the members in their homes and not on the premises of the NSE facility.

HPI was unable to find commercial property in the neighborhood that provided suitable operating conditions at a cost that was affordable. HPI is a private, not for profit organization which is operating the program through private grants and gifts from local businesses. Recognizing the value represented by our project in his neighborhood, a residential property owner/manager, John Bussey of Capital Rentals, offered a residential property to us at a very reasonable cost, \$475 per month. We went through the process of obtaining a Special Use Permit from the Planning Department and were assessed impact fees when we asked for a Change of Use from Building and Safety in order to occupy the property. The Occupancy Permit is currently in process with improvements being made to the property by the landlord to make it possible for us to begin operating according to city requirements.

Given the charitable nature of the services offered and the potential contribution that this program will make for the target neighborhoods, we ask that the City of Lincoln approve our appeal of the impact fees.



Parks and Recreation Department
Lynn Johnson, Director
2740 "A" Street
Lincoln, Nebraska 68502

402-441-7847
fax: 402-441-8706

"Making Lincoln a Better Place to Live"



MAYOR COLEEN J. SENG

lincoln.ne.gov

RECEIVED

DEC 22 2005

Neighborhood Service Exchange
Wende Baker, Executive Director
Pat Anderson-Sifentz, Program Coordinator
P.O. Box 30205
Lincoln, NE 68503

CITY OF LINCOLN & SAFETY

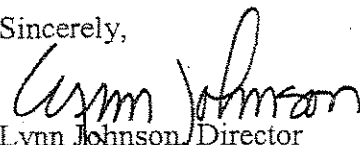
November 9, 2005

The City of Lincoln, Parks and Recreation, F St. Community Center desires to support the Neighborhood Service Exchange with their efforts to build a stronger, more unified community.

The F St. Community Center, 1225 F Street, will be available to host four meetings during the year. These quarterly meetings will be 2 hours long and for groups of 20-30 people. F St. Community Center will also be available to host monthly meetings. The once a month meetings will be 1.5 hours long and for groups of 5-15 people.

Meetings must be scheduled at least two weeks in advance. Arrangements for the meetings will be made through the F St. Community Center Director or Assistant Director. The meetings will be scheduled as space and other uses allow. All decisions concerning room assignment and available times rest with the F St. Community Center Director or Assistant Director.

Sincerely,


Lynn Johnson, Director
Lincoln Parks and Recreation

IMPACT FEE ADMINISTRATOR REPORT & RECOMMENDATION

IMPACT FEE APPEAL - IFA-060015:

APPELLANT: Wende Baker, Executive Director
Health Partners Initiative
P.O. Box 30205
Lincoln, NE 68503

PROPERTY: 1036 E Street
Lincoln, NE 68502

REQUEST: The appellant is appealing from the Impact Fees Determination dated December 23, 2005 arguing that there are unusual circumstances which demonstrate that application of the fee would be unfair.

| |
|------------------------|
| RECOMMENDATION: |
|------------------------|

| |
|---------------|
| Denial |
|---------------|

REASONS:

This application does not meet any of the stipulations required for reduction in an impact fee. According to Section 27.82.110 of the Impact Fee Ordinance, the City Council shall not waive fees unless there is a finding that the fee was incorrectly calculated or that there are unusual circumstances which demonstrate that application of the fee for the development would be unfair or unjust. Those findings do not exist in this matter.

Lincoln Municipal Code § 27.82.080 (f) the City finds that impact fees cannot be collected for governmental projects for the construction of which the agency in question has the power to condemn or appropriate lands by eminent domain. Health Partners Initiative (HPI) is a private organization. HPI is renting 1036 E Street, Lincoln, Nebraska from residential property owner/manager, John Bussey of Capital Rentals. The landlord, John Bussey, is making physical improvements to the property to meet City Code requirements per the Change of Occupancy Permit.

The Arterial Street Impact Fees were correctly calculated based upon the Impact Fee Schedule. Appellant has filed a Building Permit, B0504413, and Impact Fee Application, IF052133, for a change of occupancy from Single Family Dwelling to a General Office at 1036 E Street. Lincoln Municipal Code § 27.82.050(4) provides that if a person is applying for a permit to allow a redevelopment, or modification of an existing development, the impact fee shall be based on the net increase in the fee for the new use as compared to the previous use, provided that the previous use was in operation within 15 years prior to the date of application for the redevelopment. City records indicate that the address, 1036 E Street, was a single family dwelling, built in the year 1900.

Lincoln Municipal Code § 27.82.110 (i) Appeals must be filed with the City Clerk within ten days after the determination for which the appeal is being filed. Appellant's "Notice of Appeal" was filed 13 days after the date of determination.

FACTS:

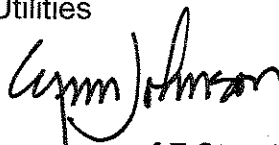
- (1) City records indicate that the address, 1036 E Street, was a single family dwelling, built in the year 1900, until the point in time the Change of Occupancy Permit was filed.
- (2) The arterial street impact fee was correctly calculated based upon the Arterial Street Impact Fee Schedule. Appellant is converting 1068 square feet, previous use was a single family dwelling, into a general office space. Lincoln Municipal Code § 27.82.050(4) provides that the impact fee shall be based on the net increase in the fee for the new use as compared to the previous use provided that the previous use was in operation within 15 years prior to the building permit for the redevelopment. Here the previous use of the 1068 square feet is a single family dwelling. According to the Arterial Street Impact Fee Schedule, beginning January 1, 2005, the Arterial Street Impact Fee for a single family dwelling is \$1876.00 per dwelling unit. Therefore, calculating the fee pursuant to Lincoln Municipal Code § 27.82.050(4) the impact fee is (General Office \$2.755 x 1068 square feet) \$2942.34 - (\$1876.00 per Single Family Dwelling Unit) = \$1066.34.
- (3) The arterial street impact fee for General Office, as well as most other commercial uses are calculated based upon peak hour trip rate generated per square foot of gross floor area pursuant to the ITE traffic generation manual. The General Office trip rate has been calculated based on over 235 traffic count studies nationwide of General Office users.
- (4) The arterial street impact fee for Single-Family Detached Housing are calculated based upon peak hour trip rate generated per dwelling unit pursuant to the ITE traffic generation manual. The Single-Family Detached Housing trip rate has been calculated based on over 354 traffic count studies nationwide of Single-Family Detached Housing.
- (5) Lincoln Municipal Code § 27.82.080 (f) the City finds that impact fees cannot be collected for governmental projects for the construction of which the agency in question has the power to condemn or appropriate lands by eminent domain. Health Partners Initiative (HPI) is a private organization, not a governmental project or agency.

Memorandum

February 1, 2006

TO: Michaela Hansen, Public Works and Utilities

FR: Lynn Johnson, Parks and Recreation



RE: Neighborhood Service Exchange Program use of F Street Community Center

The purpose of this memo is to clarify the use of the F Street Community Center by the Neighborhood Service Exchange program. We believe that the Neighborhood Service Exchange program will benefit neighborhood residents by coordinating bartering of services that are desired by and benefit community residents. The program director and program coordinator requested use of the 'F' Street Committee Center to host monthly and quarterly meetings associated with the program. We are happy to extend use of the community center to this innovative program.

I understand that a letter dated November 9, 2005 confirming use of the F Street Community Center has been submitted as part of a request for a waiver of impact fees. The waiver request indicates that use of public infrastructure will be limited, in part due to the fact that larger meetings will be conducted off-site at the F Street Community Center. As indicated above, we are pleased to allow use of the community center for meetings associated with the Neighborhood Service Exchange program, but do not endorse the waiver request.

Please phone me at 441-8265 with questions.

IMPACT FEES DETERMINATION

COMMERCIAL BUILDING

RECEIVED

DEC 23 2005

Impact Permit # IF052133

Building Permit # B0504413

Date Stamp

CITY BUILDING & SAFETY

A Applicant Information

Please Print:
 Job Street Address: 1036 E Street, Lincoln, NE 68502
 Legal Description: Original Plat
 Lot 11 Block 177 Subdivision

☒ **IN CITY LIMITS**
☐ **OUTSIDE CITY LIMITS** (IF OUTSIDE CITY LIMITS SKIP TO SECTION D)

B Land Use Type

(SEE LAND USE TABLE) Failure to complete the "Land Use Type" section may delay processing time.

Previous Building Use: Residential
 New Building Use: Commercial
 Name of Tenant: Health Partners Initiative

| | Yes | No | New Gross Sq. Ft. | Original Gross Sq. Ft. | Remodel Area Sq. Ft. | Units of Measure |
|---------------------------------|-----|----|-------------------|------------------------|----------------------|------------------|
| New Construction | | X | | | | |
| Addition of Existing Building | | X | | | | |
| Alteration to Existing Building | | X | | | | |

Is The Water Service :

☒ An Existing Service With No Change
☐ A Replacement Of An Existing Service. Size of Meter Replacement: _____
☐ A New Water Service Meter Size: _____

C Exemption/Exclusion Claim #

Arterial Streets Water System Water Distribution Wastewater

Claim for exemption from impact fees L.M.C. reference (see back of form and attach documentation) Example a(1)

D

I, the undersigned, understand and acknowledge that should a refund become due from this application, the refund payment shall be made payable to the fee payor listed below

Fee Payor: Health Partners Initiative
 Address: P.O. Box 30205 Lincoln NE 68503
 Street City State Zip Code

I, the undersigned, also affirm that the above stated information is true and accurate.

Company Name: Health Partners Initiative
 Mailing Address: P.O. Box 30205 Lincoln NE 68503
 Street City State Zip Code
 Phone #: 441-8144 Cell # 416-5997 Fax # 441-4604
 Email Address: wbaker@ci.lincoln.ne.us
 Print Applicant Name: Wende Baker
 Applicant Signature: Wende Baker Date: 12/29/05

PARCEL IDENTIFICATION #

Dist 5

Impact Fee Administrator Verification:

Comments:

Signature, Impact Fee Administrator

DEPARTMENT OF PUBLIC WORKS & UTILITIES

555 S 10TH ST. RM 203, LINCOLN, NE 68508

Phone #: 402-441-7559

Date

DEPARTMENT OF BUILDING & SAFETY

Total Impact Fee: \$

1066.34

REV. 01/28/2005


InterLinc

Lancaster County

County Assessor

Residential Information

Parcel Identification No: 10-26-409-017-000

| Residential Building Characteristics | |
|---|----------------------|
| Improvement Data | 1 of 1 |
| Improvement Type: | BUNGALOW |
| Total Living Area: | 1,068 |
| Actual Year Built: | 1900 |
| Quality: | FAIR |
| Condition: | AVERAGE |
| Basement Area: | 834 |
| Minimal Finish Area: | 0 |
| Good Finish Area: | 0 |
| Exterior Wall: | WOOD FRAME SIDING |
| Roof Type/Cover: | GABLE / ASPH SHINGLE |
| No. of 4 Fixture Baths: | 0 |
| No. of 3 Fixture Baths: | 1 |
| No. of 2 Fixture Baths: | 0 |
| Extra Fixtures: | 0 |
| No. of Bedrooms: | 2 |
| No. of Fireplaces: | 0 |
| Air-Conditioning: | N |

← square feet

Land and Miscellaneous

Residential Information

Display Building 01 ▼

Building Sketch

Display Building 01 ▼

Map

Parcel Information

Treasurer's Information

☒ County Assessor ☐ Property Information

CITY OF LINCOLN
Public Works & Utilities
COMMERCIAL



Beginning
January 1, 2005

| Arterial Street Impact Fees - Retail Commercial | Unit of Measure | Fee per Unit |
|---|-----------------|--------------|
| Shopping Ctr (<100,000 sf) | square feet | \$2.755 |
| Shopping Ctr (<100,000-299,999 sf) | square feet | \$2.484 |
| Shopping Ctr (<300,000-499,999 sf) | square feet | \$2.396 |
| Shopping Ctr (<500,000-999,999 sf) | square feet | \$2.204 |
| Shopping Ctr (1 million sf+) | square feet | \$2.133 |
| Bank | square feet | \$5.319 |
| Convenience Store w/gasoline sales | square feet | \$3.482 |
| Movie Theater | square feet | \$2.052 |
| Restaurant, Fast Food | square feet | \$3.250 |
| Restaurant, Sit-Down | square feet | \$3.075 |
| Hotel/Motel | room | \$671.000 |

| Arterial Street Impact Fees - Office/Institutional | Unit of Measure | Fee per Unit |
|--|-----------------|--------------|
| Office, General | square feet | \$2.755 |
| Office, Medical | square feet | \$5.262 |
| Hospital | square feet | \$1.326 |
| Nursing Home | square feet | \$0.519 |
| Church | square feet | \$0.814 |
| Day Care Center | square feet | \$3.418 |
| Elementary/Secondary School | square feet | \$0.303 |

| Arterial Street Impact Fees - Industrial | Unit of Measure | Fee per Unit |
|--|-----------------|--------------|
| Light Industrial/Industrial Park | square feet | \$1.694 |
| Manufacturing | square feet | \$1.357 |
| Warehouse | square feet | \$0.958 |
| Mini-Warehouse | square feet | \$0.280 |

| Arterial Street Impact Fees - Recreational | Unit of Measure | Fee per Unit |
|--|-----------------|--------------|
| Amusement Park | acre | \$4,272.640 |
| Bowling Alley | square feet | \$3.817 |
| Golf Course | hole | \$2,955.000 |
| Golf Driving Range | tee | \$1,357.480 |
| Health Club | square feet | \$2.316 |
| Miniature Golf Course | hole | \$367.700 |

Based on 2005 impact fee schedule

New use

square feet

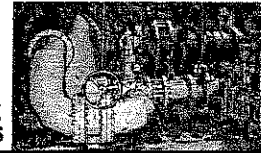
$$10668 \times 2.755 = 2942.34$$



Beginning
January 1
2005

| Arterial Street Impact Fees - Residential | Unit of Measure | Fee per Unit |
|---|-----------------|--------------|
| Single-Family Detached | dwelling | \$1,876.00 |
| Single-Family Attached | dwelling | \$991.00 |
| Duplex/Townhouse | dwelling | \$1,142.00 |
| Multi-Family (3 plex and greater) | dwelling | \$287.00 |
| Multi-Family Elderly/Retirement | dwelling | \$1,031.00 |
| Mobile Home | pad site | \$1,031.00 |
| Neighborhood Parks & Trail Impact Fees | Unit of Measure | Fee per Unit |
| Single-Family Detached | dwelling | \$326.00 |
| Single-Family Attached | dwelling | \$274.00 |
| Duplex/Townhouse | dwelling | \$242.00 |
| Multi-Family (3 plex and greater) | dwelling | \$193.00 |
| Multi-Family Elderly/Retirement | dwelling | \$277.00 |
| Mobile Home | pad site | \$277.00 |

Water/
Wastewater
Utility
**impact
FEES**



These fees are applicable to
both commercial and residential.

| Water Meter Size | System Fee | Distribution | Wastewater | Total |
|------------------|-------------|--------------|-------------|-------------|
| 3/4" | \$510.00 | \$317.00 | \$409.00 | \$1,236.00 |
| 1" | \$850.00 | \$528.00 | \$682.00 | \$2,060.00 |
| 1 1/2" | \$1,701.00 | \$1,055.00 | \$1,363.00 | \$4,120.00 |
| 2" | \$2,722.00 | \$1,689.00 | \$2,181.00 | \$6,591.00 |
| 3" | \$5,443.00 | \$3,377.00 | \$4,362.00 | \$13,183.00 |
| 4" | \$8,505.00 | \$5,277.00 | \$6,816.00 | \$20,598.00 |
| 6" | \$17,010.00 | \$10,554.00 | \$13,632.00 | \$41,196.00 |
| 8" | \$27,215.00 | \$16,886.00 | \$21,811.00 | \$65,913.00 |
| 10" | \$39,122.00 | \$24,274.00 | \$31,353.00 | \$94,749.00 |

Based on 2005 impact fee schedule

Previous use

Credit



< 1876.00

2942.34
< 1876.00

Net Due

1066.34

IMPACT: IF052133 Address: 1036 E ST L
 Status: FINAL APPLICANT: HEALTH PARTNERS INITIATIVE/WENDE BAKER
 Date: 12/23/2005

Accela GIS: agis View Map View Log Objects

Screen Fees Doc OK Appr L/H/N People Links

Parcels
People
Events
Work Flow

Fee Processing for IF052133

Fee Summary

| | | |
|------------------|------------|---------|
| Calculated Fees: | \$1,066.34 | Details |
| Additional Fees: | \$0.00 | Details |
| Total Fees: | \$1,066.34 | Details |
| Payments: | \$1,066.34 | Details |
| Balance: | \$0.00 | |

☐ Include deferred payments in Fee Details:
☐ Include Trust transactions in Payment Details:
☐ Pay Specific - Suppress zero balance items:

| | |
|------------------------------|--------------------------|
| Pay Full Balance | Access Additional Fee |
| Partial Payment | Redistribute OverPayment |
| Pay Specific Item(s) | Void Payments |
| Trust Account Transaction(s) | Reprint Receipt |
| Pay Deferred | Print Grid |

Back Stop

Back Exit

Fee Items

| Item # | Description | Fee Amount | Pmt Amount | Balance | Account code |
|--------|-------------------------|------------|------------|---------|--------------|
| 850 | Water System Dist | \$0.00 | \$0.00 | \$0.00 | 35100 |
| 855 | Water Distributn Dist 5 | \$0.00 | \$0.00 | \$0.00 | 75205 |
| 858 | Waste Water Dist | \$0.00 | \$0.00 | \$0.00 | 75300 |
| 863 | Arterial Street Dist 5 | \$1,066.34 | \$1,066.34 | \$0.00 | 75405 |

ToolBar Order

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Licensee: LINCOLN, NE - CITY OF

Serial Number: 6110 Users: 035 Version: v. 5.2.3

Start Michaela A.H... [Live] PERMI... WordPerfect... 1-2-3 Lincoln/Lanc... InterLinc. Cou... Microsoft Word 3:21 PM

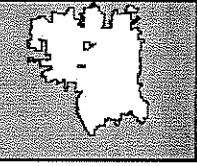
Lincoln/Lancaster County Impact Fee Information - Netscape

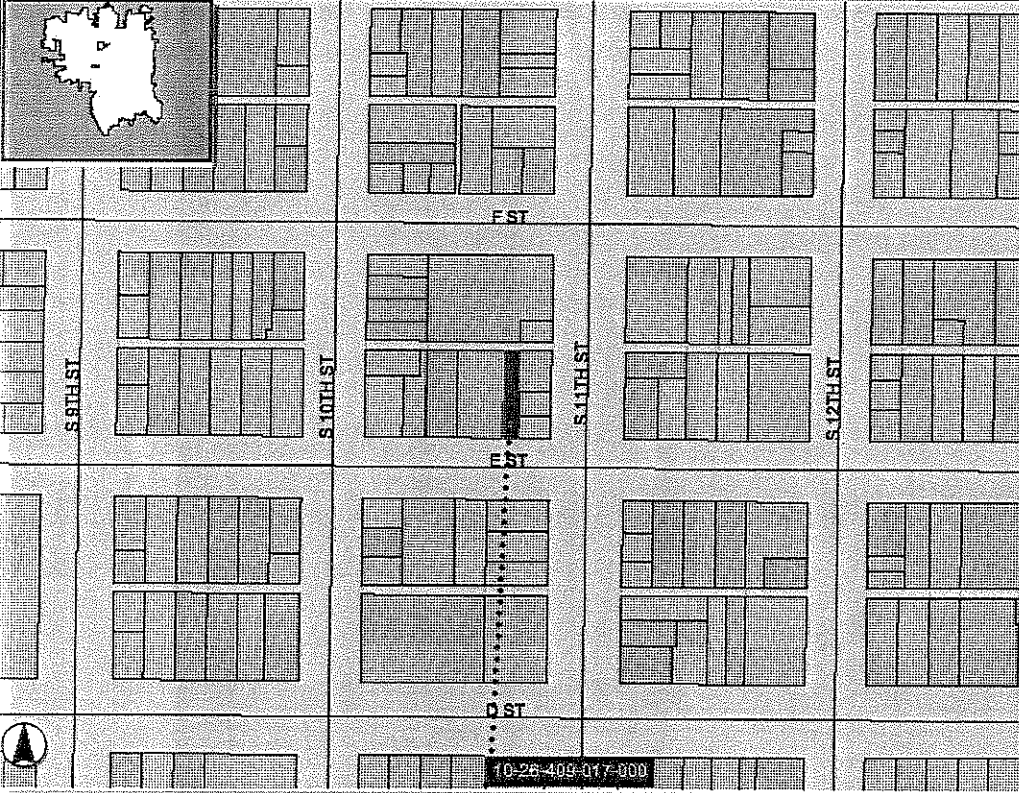
File Edit View Go Communicator Help

Back Forward Reload Home Search Netscape Print Security Shop Stop

Bookmarks Location: http://ims.ci.lincoln.ne.us/isa/ifs/default.htm

What's Related





Legend

Parcels

Annex Agree

Annexation Agreement

Ann Agree w/ Credit and Refund

Ann Agree: No Reimburse, No Refund

Ann Agree: No Reimburse, Refund

Ann Agree: Reimburse, Refund

Streets

County

Parcel ID

10-26-409-017-000

Owner

John C Bussey #3 Fam Ltd
Prnr

Address

1036 E St

Wastewater

Water District

Water System

Streets

Parks

Streets Excluded

Parks Excluded

PARKSEXCLUSION

District

DISTRICT5

Annex Agreement

Not available

Special

Zoom In

Document: Done

Start Michaela A. (Live) PER... WordPerfe... 1-2-3 Lincoln/... InterLinc: ... Microsoft ...

3:19 PM